

Sixth Appellate District

San Jose, California

MONDAY, APRIL 12, 2004

H026202 PEOPLE v. VONG

The judgment is affirmed. The abstract of judgment shall be corrected to reflect: (1) a conviction for voluntary manslaughter as to count 1; (2) a conviction for assault with a deadly weapon as to count 2; and (3) the Penal Code section 186.22 and section 12022, subdivision (b)(1) enhancements as to count 3. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed April 12, 2004

H025800 PEOPLE v. HUYNH

By the Court\*:

Appellant's petition for rehearing is denied.

Filed: April 12, 2004

\*Before Bamattre-Manoukian, Acting P.J. and Mihara, J.

H025999 MUNOZ, et al. v. FARMERS INSURANCE EXCHANGE, et al.

The judgment is reversed. Respondents shall bear costs on appeal. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed April 12, 2004

TUESDAY, APRIL 13, 2004

H025374 PEOPLE v. ALLEN

The judgment is reversed. The matter is remanded for retrial of the allegation that defendant suffered prior serious felony convictions in Oregon for manslaughter and second degree kidnapping which constitute prior serious felonies within the meaning of the Three Strikes law. The prosecutor may retry the prior conviction allegation within 30 days after remittitur. If the allegation is not retried or is found not true, the trial court shall enter a not-true finding and then resentence defendant. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed April 13, 2004

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and J. Michel Casique, Deputy Clerk.

H025783 PEOPLE v. GIPSON

Cause called and argued by Walter K. Pyle appearing for Appellant and by Jeremy Friedlander, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, April 13, 2004 (continued)

H025576 PEOPLE v. MOLOTLA

Cause called and argued by Norton Tooby appearing for Appellant and by Ayana Cuevas, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H024362 PEOPLE v. PRECIADO, et al.

Cause called and argued by Joseph Courtney Shevelson appearing for Appellant Jesus Preciado, by Paul Couenhoven appearing for Appellant Rafael Preciado, Jr., and by Morris Lenk, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H024432 PEOPLE v. RAMIREZ

Cause called and argued by Mark Greenberg appearing for Appellant and by Nanette Winaker, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H022727 PEOPLE v. DOMINGUEZ

Cause called and argued by Dallas Sacher appearing for Appellant and by John H. Deist, Deputy Attorney General, appearing for Respondent. Cause ordered submitted. Court recesses until 1:30 p.m.

H025015 PEOPLE v. REYES

By the Court\*:

Appellant's petition for rehearing is denied.

Filed: April 13, 2004

\*Before Rushing, P.J., Premo, J. and Elia, J.

H025753 THE RACER'S GROUP, et al. v. THOMPSON, et al.

The amended judgment filed February 11, 2003, is affirmed.  
(not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed April 13, 2004

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California.  
Present: Rushing, P.J.; Premo, J.; Elia, J.; and R. W. Norvelle, Deputy Clerk.

Sixth Appellate District

San Jose, California

Tuesday, April 13, 2004 (continued)

H024924 & H025333 JACOBS v. LAWLER, et al.

H025583 JACOBS v. ROPERS, MAJESKI, KOHN & BENTLEY, et al.

Cause called and argued by Norman E. MacKay appearing for Appellant, by Susan Handelman appearing for Respondents Ropers, Majeski, Kohn & Bentley, et al., by Helen E. Williams appearing for Respondent Lawler, and by Barry Zoller appearing for Respondents Clark & Korda, et al.. Cause ordered submitted. Court adjourns

WEDNESDAY, APRIL 14, 2004

H026217 PEOPLE v. HOFSEIER

(Filed order modifying dissenting opinion.) This modification does not effect a change in the judgment. (published)

(Bamattre-Manoukian, Acting P.J.)

Filed April 14, 2004

H026139 PEOPLE v. PEREZ

The judgment is affirmed. (not published)

(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed April 14, 2004

H026330 COUNTY OF SANTA CRUZ v. MCCANN

The judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed April 14, 2004

THURSDAY, APRIL 15, 2004

H025989 PEOPLE v. PURNELL

The judgment of conviction is affirmed. (not published)

(McAdams, J.; We concur: Rushing, P.J., Premo, J.)

Filed April 15, 2004

Sixth Appellate District

San Jose, California

Thursday, April 15, 2004 (continued)

H025002 PEOPLE v. PHAN

By the Court:

Appellant's motion for leave to file a supplemental opening brief is granted. The clerk of this court is directed to file said brief forthwith. The submission order filed March 9, 2004, is hereby vacated. The cause will be resubmitted upon completion of supplemental briefing. Respondent shall file a supplemental respondent's brief within 20 days from the date of this order.

Dated: April 15, 2004

Rushing, P.J.

H025803 PEOPLE v. OROZCO

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed April 15, 2004

H026136 PEOPLE v. WASHINGTON

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed April 15, 2004

H025935 DeSTEFANI v. DeSTEFANI

The Findings and Order after Trial, filed April 2, 2003, is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed April 15, 2004

FRIDAY, APRIL 16, 2004

H025835 PEOPLE v. PERRY

The Penal Code section 1202.5 fine is stricken. The matter is remanded to the superior court for notice and hearing under Penal Code section 987.8, subdivision (b). (*People v. Flores, supra*, 30 Cal. 4<sup>th</sup> at p. 1069.) In all other respects the judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed April 16, 2004

Sixth Appellate District

San Jose, California

Friday, April 16, 2004 (continued)

H025620 PEOPLE v. THOMAS C.

The judgment is affirmed. (not published)  
(Premo, J.; We concur: Rushing, P.J., Elia, J.)  
Filed April 16, 2004

H025606 PEOPLE v. AUTIO

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)  
Filed April 16, 2004

H025047 HUDSON, a Minor, etc. v. LENZ, et al.

The judgment entered is affirmed. (not published)  
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)  
Filed April 16, 2004